

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
V.)	CIVIL NO. SA-18-CV-1323
)	
\$24,890.00, MORE OR LESS, IN UNITED)	
STATES CURRENCY)	
)	
Respondent.)	

VERIFIED COMPLAINT FOR FORFEITURE

Comes now Petitioner United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, pursuant to Rule G, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Fed. R. Civ. P., and respectfully states as follows:

I.
NATURE OF THIS ACTION

This action is brought by the United States of America seeking forfeiture to the United States of the following property:

\$24,890.00, More or Less, in United States Currency,
hereinafter the "Respondent Property."

II.
JURISDICTION AND VENUE

Under Title 28 U.S.C. § 1345, this Court has jurisdiction over an action commenced by the United States, and under Title 28 U.S.C. § 1355(a), jurisdiction over an action for forfeiture. This Court has *in rem* jurisdiction over the Respondent Property under Title 28 U.S.C. §§1355(b) and 1395. Venue is proper in this district pursuant to Title 28 U.S.C. § 1355(b)(1) because the acts

or omissions giving rise to the forfeiture occurred in this district, and pursuant to Title 28 U.S.C. §§ 1355(b)(1)(B) and 1395(b) because the Respondent Property is found in this district.

III. **STATUTORY BASIS FOR FORFEITURE**

This is a civil forfeiture action *in rem* brought against the Respondent Property for violations of Title 21 U.S.C. §§801, *et. seq.* and subject to forfeiture to the United States of America pursuant to Title 21 U.S.C. § 881(a)(6), which states:

§ 881. Forfeitures

(a) Subject property

The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(6) All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter.

IV. **FACTS IN SUPPORT OF VIOLATIONS**

In May 2018, DEA received information that Keath White (WHITE) was distributing narcotics in the Caldwell County and Gonzales County areas. DEA began conducting surveillance at WHITE's residence located at 305 Hickory Avenue, Luling, Caldwell County, Texas within the Western District of Texas. On July 19, 2018, DEA conducted surveillance at 305 Hickory and observed WHITE and an individual later identified as Teresa Lerma (LERMA) leave the residence in a Gold 2000 Chevrolet Tahoe with LERMA driving and WHITE in the front passenger seat. Surveillance was maintained as the couple drove to Gonzales, Texas. Once in Gonzales, Texas, the Gonzales PD stopped the vehicle for displaying an expired registration.

The Gonzales PD officer approached the vehicle and detected the odor of marijuana

coming from inside the vehicle. LERMA gave the officer consent to search the vehicle. Upon searching, the officer discovered a clear plastic baggie containing marijuana. While the officer was searching the vehicle, WHITE informed another officer on the scene that the marijuana belonged to him and that he had brought it with him to give to a friend in Gonzales, Texas.

DEA Task Force Officer Sean Sheehan arrived on the scene and explained to WHITE that DEA had previously observed WHITE leaving his residence at 305 Hickory earlier in the day. TFO Sheehan asked WHITE for consent to search 305 Hickory but WHITE refused. WHITE was placed under arrest by Gonzales PD, and charges for possession of marijuana have been filed against him in Gonzales County.

That same day, Caldwell County Sheriff's Office applied for and received a state search warrant (Docket # 18-07-0007) for WHITE's residence at 305 Hickory. Caldwell County Sheriff's officers and agents with DEA executed the search warrant that day and located 2.3 grams of cocaine, 13.1 grams of methamphetamine, and 3.9 ounces of marijuana along with three digital scales, all within the kitchen of WHITE's residence.

Also on July 19, 2018, DEA agents conducted surveillance at 100 Felix Gonzalez, #219, Luling, Texas, which is the residence of ANNA WHITE, WHITE's mother. Agents observed ANNA WHITE arrive at her residence with LERMA. Agents contacted ANNA WHITE and asked for consent to search ANNA WHITE's residence. ANNA WHITE gave consent. DEA agents asked ANNA WHITE if she had any U.S. Currency or illegal narcotics within her residence. ANNA WHITE responded that she had a safe in the hallway closet that belonged to her son, Keath White (WHITE). ANNA WHITE removed the safe from the closet and opened it, revealing numerous bundles of U.S. Currency, later determined to total \$24,890.00, which is the Respondent Property in the instant civil action. ANNA WHITE indicated that she stores money for her son

and has done so for about ten years. ANNA WHITE gave no explanation as to why she keeps cash for her son instead of having it deposited at a bank, and when asked about the origin of her son's money found within the safe, ANNA WHITE gave conflicting answers as to the origin/source of the cash.

A Caldwell County Sheriff's Office K-9 was also present inside the residence and conducted an open air search. The K-9 gave a positive alert for narcotics on the safe that had contained the Respondent Property.

Texas Workforce Commission records indicate no recorded wages for WHITE from 2009 to 2016, wages of \$12,074.50 for 2017, and no recorded wages for 2018.

Therefore, the facts reasonably establish that the Respondent Property represents money furnished or intended to be furnished in exchange for a controlled substance, and/or that the Respondent Property represents proceeds from WHITE's illegal narcotics activity, and/or money used or intended to be used to facilitate WHITE'S illegal narcotics activity, all in violation of Title 21 U.S.C. §§ 801, *et. seq.* The Respondent Property is thus subject to civil forfeiture pursuant to Title 21 U.S.C. § 881(a)(6).

V. **PRAYER**

WHEREFORE, Petitioner, United States of America, prays that due process issue to enforce the forfeiture of the Respondent Property, that due notice pursuant to Rule G(4) be given to all interested parties to appear and show cause why forfeiture should not be decreed,¹ and in accordance with Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset


¹ Appendix A, which is being filed along with this complaint, will be sent to those known to the United States to have an interest in the Respondent Property.

Forfeiture Actions, Fed. R. Civ. P., that the Respondent Property be forfeited to the United States of America, that the Property be disposed of in accordance with the law and for any such further relief as this Honorable Court deems just and proper.

Respectfully submitted,

JOHN F. BASH
United States Attorney

By:



MARY NELDA G. VALADEZ
Assistant United States Attorney
Chief, Asset Forfeiture Section
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216
Tel: (210) 384-7040
Fax: (210) 384-7045
Email: mary.nelda.valadez@usdoj.gov
Texas Bar No. 20421844

Attorneys for the United States of America

VERIFICATION

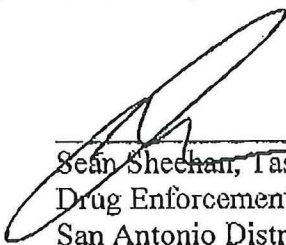
Task Force Officer Sean Sheehan, declares and says that:

1. I am a Task Force Officer with the Drug Enforcement Administration, assigned to the San Antonio District Office, and am the investigator responsible for the accuracy of the information provided in this litigation; and

2. I have read the above Verified Complaint for Forfeiture and know the contents thereof; that the information contained in the Verified Complaint for Forfeiture has been furnished by official government sources; and based on information and belief, the allegations contained in the Verified Complaint for Forfeiture are true.

Pursuant to Title 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this the 20th day of December, 2018.



Sean Sheehan, Task Force Officer
Drug Enforcement Administration
San Antonio District Office

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

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Petitioner,)	
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\$24,890.00, MORE OR LESS, IN UNITED)	
STATES CURRENCY)	
)	
Respondent.)	

NOTICE OF COMPLAINT FOR FORFEITURE

1. On _____, 2018, a Verified Complaint for Forfeiture *in rem* was filed in this Court by the United States Attorney for the Western District of Texas and Assistant United States Attorney Mary Nelda G. Valadez, against the property described below, which is also specifically described in the Verified Complaint for Forfeiture, for violations of Title 21 U.S.C. §§ 801, *et. seq.*, and subject to forfeiture to the United States of America pursuant to Title 21 U.S.C. § 881(a)(6), namely:

\$24,890.00, More or Less, in United States Currency,
hereinafter the “Respondent Property.”

2. Pursuant to Supplemental Rule G(4)(b), notice to any person who reasonably appears to be a potential claimant shall be by direct notice. Accompanying this notice is the Verified Complaint for Forfeiture which has been filed in this cause and which describes the Respondent Property. Pursuant to Supplemental Rule G(4)(b), any person claiming an interest in the Respondent Property who has received direct notice of this forfeiture action must file a Claim, in compliance with Rule G(5)(a), with the court within **thirty-five (35) days after the notice was sent, if delivered by mail (if mailed, the date sent is provided below), or within 35 days of the**

APPENDIX A

date of delivery, if notice was personally served. An Answer or motion under Rule 12 of the Federal Rules of Civil Procedure must then be filed within **twenty-one (21)** days of the Claim being filed.

The Claim and Answer must be filed with the Clerk of the Court, 655 E. Cesar E. Chavez Blvd., Room G65, San Antonio, Texas 78206, and copies of each must be served upon Assistant United States Attorney Mary Nelda G. Valadez, 601 N.W. Loop 410, Suite 600, San Antonio, Texas 78216, or default and forfeiture will be ordered. *See* Title 18 U.S.C. § 983(a)(4)(A) and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

Failure to follow the requirements set forth above will result in a judgment by default taken against you for the relief demanded in the complaint.

DATE NOTICE SENT:_____

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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UNITED STATES OF AMERICA,)	
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\$24,890.00, MORE OR LESS, IN UNITED)	
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ORDER FOR WARRANT OF ARREST OF PROPERTY

WHEREAS a Verified Complaint for Forfeiture *in rem* was filed on _____,
2018, against the following property:

\$24,890.00, More or Less, in United States Currency,

hereinafter the "Respondent Property," alleging that the Respondent Property is subject to
forfeiture to the United States of America pursuant to Title 21 U.S.C. § 881(a)(6) for violations of
Title 21 U.S.C. §§ 801, *et. seq.*; IT IS THEREFORE

ORDERED that a Warrant for Arrest of Respondent Property issue as prayed for, and that
the United States Marshals Service or its designated agent for the Western District of Texas, or
any other law enforcement officer, or any other person or organization authorized by law to enforce
the warrant, be commanded to arrest the Respondent Property and to take actual or constructive
possession for safe custody as provided by Rule G, Supplemental Rules of Federal Rules of Civil
Procedure until further order of the Court, and to use whatever means may be appropriate to protect
and maintain the Respondent Property while in custody, including designating a substitute
custodian or representative for the purposes of maintaining the care and custody of the Respondent
Property and to make a return as provided by law.

SIGNED this _____ day of _____, 2018.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
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STATES CURRENCY)	
)	
Respondent.)	

WARRANT FOR THE ARREST OF PROPERTY

TO THE UNITED STATES MARSHALS SERVICE, OR ITS DESIGNATED AGENT, OR
OTHER AUTHORIZED LAW ENFORCEMENT OFFICER OR ANY OTHER PERSON
OR ORGANIZATION AUTHORIZED BY LAW TO ENFORCE THE WARRANT:

WHEREAS a Verified Complaint for Forfeiture *in rem* was filed on _____, 2018,
against the following property:

\$24,890.00, More or Less, in United States Currency,

hereinafter the "Respondent Property," alleging that the Respondent Property is subject to
forfeiture to the United States of America pursuant to Title 21 U.S.C. § 881(a)(6) for violations of
Title 21 U.S.C. §§ 801, *et. seq.*; and

WHEREAS an Order has been entered by the United States District Court for the Western
District of Texas that a Warrant for Arrest of Property be issued as prayed for by Petitioner United
States of America.

YOU ARE THEREFORE COMMANDED to arrest and take actual or constructive
possession of Respondent Property as soon as practicable by serving a copy of this warrant on the
custodian in whose possession, custody or control the Respondent Property is presently found, and
to use whatever means may be appropriate to protect and maintain the Respondent Property in

your custody until further order of this Court, including designating a substitute custodian or representative for the purposes of maintaining the care and custody of the Respondent Property and to make a return as provided by law.

SIGNED this _____ day of _____, 2018.

JEANNETTE CLACK
United States District Clerk
Western District of Texas

By: _____

Deputy

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Mary Nelda G. Valadez, U.S. Attorney's Office
601 NW Loop 410, Suite 600, San Antonio, TX 78216
210-384-7040

DEFENDANTS

\$24,890.00, More or Less, in United States Currency

County of Residence of First Listed Defendant Bexar
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609				

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title 21 U.S.C. §§ 881(a)(6)

Brief description of cause:

forfeiture of proceeds and facilitating money

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE